

AMENDED IN SENATE MAY 12, 2005

AMENDED IN SENATE MARCH 30, 2005

SENATE BILL

No. 114

Introduced by Senator Bowen

January 25, 2005

An act to add Article 4 (commencing with Section 11920) to Chapter 4 of Division 5 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 114, as amended, Bowen. Vehicles: safety-related recalls: procedure.

(1) Existing law authorizes the State Air Resources Board to require a vehicle manufacturer to recall a motor vehicle engine that does not meet certain emissions standards. The recall is required to include owner notification of the recall and repair or replacement of defective components.

Existing federal law requires a motor vehicle manufacturer to notify the owner or purchaser of a motor vehicle when the manufacturer determines that the vehicle contains a safety-related defect or when the manufacturer is ordered by the federal Secretary of Transportation to notify vehicle owners and purchasers that a vehicle has a safety-related defect.

This bill, in addition to any requirement imposed under federal law, would require a manufacturer that is required to provide a notification of a safety-related vehicle recall to vehicle owners and purchasers under federal law, as specified above, to access the vehicle registration records of the Department of Motor Vehicles, or similar records obtainable from a commercial source, to compile a list that includes the ~~registration~~ *license plate* number and vehicle identification number of each vehicle that is subject to the recall and provide the department

with that list and a recall identification number, as determined by the National Highway Traffic Safety Administration or the vehicle manufacturer. Because a violation of this requirement would be an infraction under other provisions of existing law, the bill would establish a state-mandated local program by creating a new crime.

The bill would require the department, when it provides a notice of registration renewal for a vehicle that is included on the list specified above, to also notify the registered owner that the vehicle is the subject of a manufacturer's safety-related recall.

The bill would require the department to collaborate with motor vehicle manufacturers to efficiently administer these provisions.

The bill's provisions would become operative on July 1, 2006.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 4 (commencing with Section 11920) is
2 added to Chapter 4 of Division 5 of the Vehicle Code, to read:

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4 Article 4. Manufacturer Safety-Related Vehicle Recall

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6 11920. (a) In addition to any requirement imposed under
7 federal law, a manufacturer that is required to provide a
8 notification of a safety-related vehicle recall to vehicle owners
9 and purchasers under Section 30118 or 30121 of Title 49 of the
10 United States Code shall do all of the following not more than 90
11 days after first being required to provide the notification:

12 (1) Access the department's vehicle registration records, or
13 similar records obtainable from a commercial source, to compile
14 a list that includes the ~~registration~~ license plate number and
15 vehicle identification number of each vehicle that is subject to
16 the recall.

17 (2) Provide the department with all of the following:

1 (A) The list compiled under paragraph (1).

2 (B) A recall identification number, as determined by the
3 National Highway Traffic Safety Administration or the vehicle
4 manufacturer.

5 (b) When the department provides a notice of registration
6 renewal under Section 1661 for a vehicle that is included on the
7 list provided to the department under subparagraph (A) of
8 paragraph (2) of subdivision (a), the department shall also notify
9 the registered owner that the vehicle is the subject of a
10 manufacturer's safety-related recall. The recall notice shall
11 include the following statement: "Manufacturer Safety Recall #
12 [____]. Contact your local dealership for more information on
13 free repair."

14 (c) The safety-related recall information shall appear once on
15 the notice of registration renewal.

16 (d) The department shall collaborate with motor vehicle
17 manufacturers to efficiently administer this section.

18 *11921. This article shall become operative on July 1, 2006.*

19 SEC. 2. No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or
23 infraction, eliminates a crime or infraction, or changes the
24 penalty for a crime or infraction, within the meaning of Section
25 17556 of the Government Code, or changes the definition of a
26 crime within the meaning of Section 6 of Article XIII B of the
27 California Constitution.